

Entered - 04/27/04 - sb  
CL04L0269 - DIANNE C. MITCHELL

**CLAIM OF: RHOMELL JUANITA WYATT**  
**1144 Fair Street, SW**  
**Atlanta, Georgia 30314**

For damages alleged to have been sustained as a result of storm water overflows between 2002 and 2004 at 1144 Fair Street, SW.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RHOMELL JUANITA WYATT** the sum of **\$850.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of storm water overflows between 2002 and 2004 at 1144 Fair Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

BY: JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

# FAVORABLE REPORT

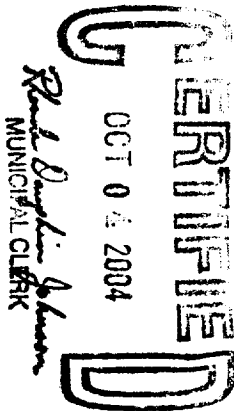
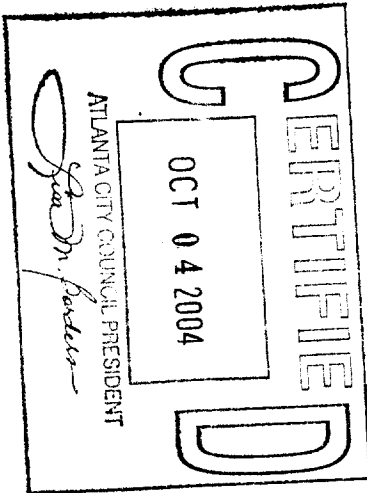
**PUBLIC SAFETY &**

**LEGAL ADMINISTRATION COMMITTEE**

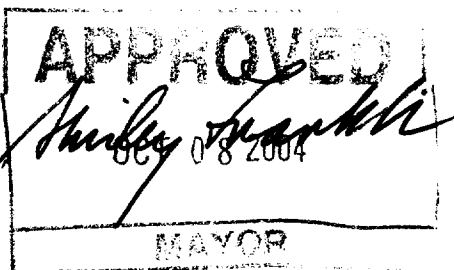
DATE: 9/28/84

CHAIR

C. H. Henshaw  
 Mary Norwood  
 H. S. Sings  
 John M. Shapere



**ADOPTED BY**  
**OCT 04 2004**  
**COUNCIL**





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1676**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Rhomell Juanita Wyatt** in the sum of **\$850.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of storm water overflows between 2002 and 2004 at 1144 Fair Street SW**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
APPROVED by the Mayor**

October 4, 2004  
October 8, 2004

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0269

Date: September 15, 2004

Claimant /Victim RHOMELL JUANITA WYATT  
BY: (Atty)(Ins. Co.) \_\_\_\_\_  
Address: 1144 Fair Street, SW, Atlanta, Georgia 30314  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,000.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 04/23/04 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 2002 through 2004 Place: 1144 Fair Street, SW  
Department Watershed Management Bureau: Waste Water  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's property has been damaged on a continuing basis during rain events. The investigation determined that the storm water overflows were due to a blockage in the City's storm water sewer line that was not corrected in a timely manner causing the claimant's home to be damaged.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

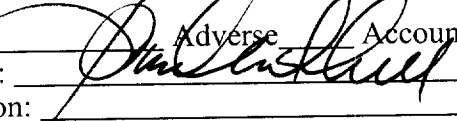
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 850.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
Claims Manager:  Concur/date 09/15/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6083  
10/04/04  
1:58 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588  
                         1589 1591 1592 1252 1254  
                         ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

|           |             |           |            |
|-----------|-------------|-----------|------------|
| Y Smith   | Y Archibong | Y Moore   | Y Mitchell |
| Y Starnes | Y Fauver    | Y Martin  | Y Norwood  |
| Y Young   | B Shook     | B Maddox  | Y Willis   |
| Y Winslow | Y Muller    | Y Sheperd | NV Borders |

CONSENT I

|                             |                              | 10-04-04 Council Meeting     |
|-----------------------------|------------------------------|------------------------------|
| ITEMS ADOPTED<br>ON CONSENT | ITEMS ADVERSED<br>ON CONSENT | ITEMS ADVERSED<br>ON CONSENT |
| 1. 04-O-1418                | 38. 04-R-1683                | 60. 04-R-1705                |
| 2. 04-O-1441                | 39. 04-R-1684                | 61. 04-R-1706                |
| 3. 04-O-1565                | 40. 04-R-1685                | 62. 04-R-1707                |
| 4. 04-O-1567                | 41. 04-R-1686                | 63. 04-R-1708                |
| 5. 04-O-0438                | 42. 04-R-1687                | 64. 04-R-1709                |
| 6. 04-O-1507                | 43. 04-R-1688                | 65. 04-R-1710                |
| 7. 04-O-1559                | 44. 04-R-1689                | 66. 04-R-1711                |
| 8. 04-O-1572                | 45. 04-R-1690                | 67. 04-R-1712                |
| 9. 04-O-1582                | 46. 04-R-1691                | 68. 04-R-1713                |
| 10. 04-O-1728               | 47. 04-R-1692                | 69. 04-R-1714                |
| 11. 04-O-1732               | 48. 04-R-1693                | 70. 04-R-1715                |
| 12. 04-R-1655               | 49. 04-R-1694                | 71. 04-R-1716                |
| 13. 04-R-1421               | 50. 04-R-1695                | 72. 04-R-1717                |
| 14. 04-R-1668               | 51. 04-R-1696                |                              |
| 15. 04-R-1719               | 52. 04-R-1697                |                              |
| 16. 04-R-1487               | 53. 04-R-1698                |                              |
| 17. 04-R-1624               | 54. 04-R-1699                |                              |
| 18. 04-R-1673               | 55. 04-R-1700                |                              |
| 19. 04-R-1674               | 56. 04-R-1701                |                              |
| 20. 04-R-1675               | 57. 04-R-1702                |                              |
| 21. 04-R-1491               | 58. 04-R-1703                |                              |
| 22. 04-R-1659               | 59. 04-R-1704                |                              |
| 23. 04-R-1660               |                              |                              |
| 24. 04-R-1661               |                              |                              |
| 25. 04-R-1662               |                              |                              |
| 26. 04-R-1663               |                              |                              |
| 27. 04-R-1664               |                              |                              |
| 28. 04-R-1665               |                              |                              |
| 29. 04-R-1613               |                              |                              |
| 30. 04-R-1676               |                              |                              |
| 31. 04-R-1677               |                              |                              |
| 32. 04-R-1678               |                              |                              |
| 33. 04-R-1679               |                              |                              |
| 34. 04-R-1680               |                              |                              |
| 35. 04-R-1681               |                              |                              |
| 36. 04-R-1682               |                              |                              |
| 37. 04-R-1718               |                              |                              |